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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,994	07/24/2003	Madhavi W. Chandra	062891.0956	9889

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EXAMINER

HOM, SHICK C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/625,994	<b>Applicant(s)</b> CHANDRA ET AL.	
	<b>Examiner</b> Shick C. Hom	<b>Art Unit</b> 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/24/03, 12/29/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7, 9-10, 14, 16-17, 21, 23-24, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Teibel (6,366,962).

Regarding claims 1, 3, 9, 16, 23:

Teibel discloses an apparatus for communicating packets in a network environment, comprising: a network element operable to receive a packet and to identify a sequence number included in the packet that correlates to awareness information associated

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with one or more adjacent network elements, wherein the network element is operable to update a table included therein in order to account for the awareness information included within the packet that has not been accounted for by the network element, and wherein the network element is operable to ignore the packet in cases where the awareness information included in the packet has already been accounted for (see Fig. 6 and col. 7 lines 15-38 which recite the receiving client on the network receiving a packet comprising the awareness information contained in the packet header, the sequence number, the means for checking the awareness information against a list and if not, the signal is ignored clearly anticipate the means for communicating packets in the network environment including the sequence number, the awareness information, the table and means for account for the awareness information as recited in claims 1, 3, 9, 16, 23).

Regarding claims 2, 10, 17, 24:

Teibel discloses wherein the network element includes a transmitter state operable to build and to communicate the packet to a selected one or more of the adjacent network elements (see Fig. 5, the steps of adding a client to the user's list clearly reads on means operable to build and communicate packet to selected one or more adjacent network elements).

Regarding claims 7, 14, 21, 27:

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Teibel discloses wherein the network element is operable to query a selected one of the adjacent network elements in order to receive missing awareness information, and wherein an absence of the missing awareness information is reflected by the sequence number (see col. 6 lines 38-58 which recite the buddy group including the TO list, the FROM list, and ACTIVE list which identifies the members of the buddy group whom are currently online clearly reads on querying the selected elements to receive missing awareness information as claimed).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4-6, 8, 11-13, 15, 18-20, 22, 25-26, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Teibel (6,366,962) in view of Choe et al. (2003/0067924).

For claims 4-6, 8, 11-13, 15, 18-20, 22, 25-26, and 28 Teibel discloses the apparatus, method, system and software described in paragraph 3 of this office action. Teibel discloses all the subject matter of the claimed invention with the exception of wherein the packet is a Hello packet that includes the sequence number in its corresponding header; wherein the packet includes a fragment value operable to indicate whether the packet is a fragment to be included with other fragments in order to comprise an entire packet that includes awareness information; wherein the network element includes a fragment timer operable to provide a time interval in which fragments are to be received at a selected location in a network; and wherein the packet includes a checksum operable to

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provide an error detection function for the packet at receiving and transmission locations associated with a selected one or more of the network elements.

Choe et al. from the same or similar fields of endeavor teach that it is known to provide wherein the packet is a Hello packet that includes the sequence number in its corresponding header (see Fig. 8 and paragraph 0047 which recite the use of a Hello packet); wherein the packet includes a fragment value operable to indicate whether the packet is a fragment to be included with other fragments in order to comprise an entire packet that includes awareness information (see paragraphs 0049 and 0055 which describe the packet fragmentation); wherein the network element includes a fragment timer operable to provide a time interval in which fragments are to be received at a selected location in a network (see paragraph 0069 which recite the timer); and wherein the packet includes a checksum operable to provide an error detection function for the packet at receiving and transmission locations associated with a selected one or more of the network elements (see paragraph 0051 which recite the packet checksum field). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein the packet is a Hello packet that includes the sequence number in its corresponding

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header; wherein the packet includes a fragment value operable to indicate whether the packet is a fragment to be included with other fragments in order to comprise an entire packet that includes awareness information; wherein the network element includes a fragment timer operable to provide a time interval in which fragments are to be received at a selected location in a network; and wherein the packet includes a checksum operable to provide an error detection function for the packet at receiving and transmission locations associated with a selected one or more of the network elements as taught by Choe et al. in the communications apparatus of Teibel. The packet being a Hello packet that includes the sequence number in its corresponding header; wherein the packet includes a fragment value operable to indicate whether the packet is a fragment to be included with other fragments in order to comprise an entire packet that includes awareness information; wherein the network element includes a fragment timer operable to provide a time interval in which fragments are to be received at a selected location in a network; and wherein the packet includes a checksum operable to provide an error detection function for the packet at receiving and transmission locations associated with a selected one or more of the network elements can be implemented by using the Hello packet including the fragment value, checksum, and connecting



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the fragment timer of Choe et al. to the apparatus for a buddy list of Teibel. The motivation for using the Hello packet including the fragment value, checksum, and connecting the fragment timer as taught by Choe et al. in the communication apparatus of Teibel being that it provides more efficiency and reliability for the system since the system can more quickly determine failure with the checksum value and Hello packet at the receiving end.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lu discloses SDH ring high order path management.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



DANG TON  
PRIMARY EXAMINER